

RECEIVED
CENTRAL FAX CENTER

JAN 04 2006

Kunzler & Associates
8 East Broadway
Suite 600
Salt Lake City, UT 84111
Phone (801) 994-4646
Fax (801) 531-1929

FAX COVER SHEET

Date: January 4, 2006
Fax: (571) 273-8300
To: U.S. Patent and Trademark Office
From: Brian C. Kunzler
Re: 10/776,943

Number of Pages including cover: 3

Please contact me if there is a problem with this transmission.

Comments:

The information contained in this facsimile is personal and confidential and is intended only for the person or persons named above. This message and the information contained in this facsimile are an attorney-client communication and are therefore subject to the attorney-client privilege. If the reader of this message is not the recipient named above or an authorized agent of such recipient responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message are strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

RECEIVED
CENTRAL FAX CENTER

002/003

JAN 04 2006

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by fax to the U.S. Patent and Trademark office to fax number 571-273-8300, on January 4, 2006.


Attorney for ApplicantPATENTDocket No. SJO920030045US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian R. McClain et al.

Serial No.: 10/776,943

Filed: February 11, 2004

For: **APPARATUS AND SYSTEM FOR VERTICALLY
STORING COMPUTING DEVICES**

Examiner: Jared W. Newton

Group Art
Unit: 3634RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

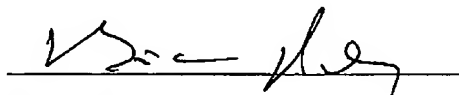
Dear Examiner:

In response to the Office Action mailed on October 13, 2005 and December 23, 2005, with respect to the Restriction Requirement Applicant elects group I, claims 1-12 and provisionally elects species A shown in Figs. 2a-2c, Claims 1-3, 5, 7, and 9-12.

Claim 1 is a generic linking claim. The upper support is recited in each other independent claim, although more specifically. The mounting mechanism allowing upper support to transition between access position and a vertical storage position is likewise cited in each of the other independent claims though in a more specific fashion. Accordingly, Applicant believes the restriction requirement to be improper and respectfully traverses the restriction requirements.

Should additional information be required, the Examiner is respectfully asked to notify Applicant of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,



Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: January 4, 2006

Kunzler & Associates
8 E. Broadway, Suite 600
Salt Lake City, Utah 84101
Telephone: 801/994-4646